

21.09.2022
Serial no.39
Aloke

CRM (A) 4522 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 896 of 2021 dated 27.08.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Muklesur Rahaman**

... ... Petitioner

Mr. Parvej Anam, Advocate

... ... For the Petitioner

Ms. Ayantika Roy, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that other co-accused were granted anticipatory bail by this Hon'ble Court. No recovery was made from the possession of the petitioner. The police are proceeding against the petitioner on the basis of the statement of the co-accused.

Learned Advocate appearing for the State draws the attention to the seizure list. He submits that commercial quantity of narcotics was seized from the house belonging to the petitioner.

The seizure list speaks of commercial quantity of narcotics being seized from the house belonging to the petitioner. Constructive possession of the petitioner over the commercial quantity of narcotics seized cannot be overlooked at this stage. The petitioner is therefore unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 4522 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)